

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BARRY LINTON,	:	
	:	
Plaintiff	:	
	:	
v.	:	
	:	
NEW YORK LIFE INSURANCE AND ANNUITY	:	
CORPORATION,	:	C.A. No. 04-11362-RWZ
	:	
Defendant.	:	
	:	
	:	

**ASSENTED TO MOTION TO ENLARGE TIME**

The Defendant New York Life Insurance and Annuity Corporation (“New York Life”) hereby moves that New York Life’s time to reply to Plaintiff’s Opposition to Defendant’s Motion to Dismiss shall be extended to and including September 17, 2004. Presently, New York Life’s Reply is due on September 13, 2004. As indicated below the plaintiff has assented to this motion.

WHEREFORE, defendant New York Life prays that the Court allow this motion and enlarge the time in which it must file its Reply to Plaintiff’s Opposition to Defendant’s Motion to Dismiss from September 13, 2003 to September 17, 2004.

BARRY LINTON

NEW YORK LIFE INSURANCE  
AND ANNUITY CORPORATION.

By his attorneys,

By its attorneys,

/s/ P. Andy Henderson, Jr.  
Richard J. Grahn (BBO #206620)  
P. Andy Henderson, Jr. (BBO #655891)  
Looney & Grossman LLP  
101 Arch Street  
Boston, MA 02110  
(617) 951-2800

/s/ Levina Wong  
John D. Donovan, Jr. (BBO # 130950)  
Robert G. Jones (BBO #630767)  
Levina Wong (BBO #654510)  
Ropes & Gray LLP  
One International Place  
Boston, MA 02110  
(617) 951-7000

Dated: September 7, 2004